

TABLE 1 OF § 1065.1010.—ASTM MATERIALS—Continued

Document number and name	Part 1065 reference
ASTM D 5186–03, Standard Test Method for Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography ..	1065.205

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§ 1065.1015 Confidential information.

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method. We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2.

(b) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(c) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in § 2.204 of this chapter.

PART 1068—GENERAL COMPLIANCE PROVISIONS FOR NONROAD PROGRAMS

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APPENDIX I TO PART 1068—EMISSION-RELATED COMPONENTS

APPENDIX II TO PART 1068—EMISSION-RE- LATED PARAMETERS AND SPECIFICATIONS

AUTHORITY: 42 U.S.C. 7401–7671(q).

SOURCE: 67 FR 68347, Nov. 8, 2002, unless
otherwise noted.

Subpart A—Applicability and Miscellaneous Provisions

§ 1068.1 Does this part apply to me?

(a) The provisions of this part apply
to everyone with respect to the fol-

lowing engines or to equipment using
the following engines (including own-
ers, operators, parts manufacturers,
and persons performing maintenance):

(1) Large nonroad spark-ignition en-
gines we regulate under 40 CFR part
1048.

(2) Recreational SI engines and vehi-
cles that we regulate under 40 CFR
part 1051 (such as snowmobiles and off-
highway motorcycles).

(b) This part does not apply to any of
the following engine or vehicle cat-
egories:

(1) Light-duty motor vehicles (see 40
CFR part 86).

(2) Heavy-duty motor vehicles and
motor vehicle engines (see 40 CFR part
86).

(3) Aircraft engines (see 40 CFR part
87).

(4) Locomotive engines (see 40 CFR
part 92).

(5) Land-based nonroad diesel engines
(see 40 CFR part 89).

(6) Marine diesel engines (see 40 CFR
parts 89 and 94)

(7) Marine outboard and personal
watercraft engines (see 40 CFR part 91).

(8) Small nonroad spark-ignition en-
gines (see 40 CFR part 90).

(c) For equipment subject to this
part and regulated under equipment-
based standards, interpret the term
“engine” in this part to include equip-
ment (see §1068.30).

(d) Paragraph (a)(1) of this section
identifies the parts of the CFR that de-
fine emission standards and other re-
quirements for particular types of en-
gines and vehicles. This part 1068 refers
to each these other parts generically as
the “standard-setting part.” For exam-
ple, 40 CFR part 1051 is always the
standard-setting part for snowmobiles.
Follow the provisions of the standard-
setting part if they are different than
any of the provisions in this part.

EFFECTIVE DATE NOTE: At 69 FR 39263, June
29, 2004, §1068.1 was amended by revising
paragraphs (a),(b)(5), and (d) and adding
paragraph (e), effective Aug. 30, 2004. For the
convenience of the user, the revised text is
set forth as follows:

§ 1068.1 Does this part apply to me?

(a) The provisions of this part apply to ev-
eryone with respect to the following engines
and to equipment using the following en-
gines (including owners, operators, parts

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manufacturers, and persons performing maintenance).

(1) Large nonroad spark-ignition engines we regulate under 40 CFR part 1048.

(2) Recreational SI engines and vehicles that we regulate under 40 CFR part 1051 (such as snowmobiles and off-highway motorcycles).

(3) Land-based nonroad diesel engines that we regulate under 40 CFR part 1039.

(b) * * *

(5) Land-based nonroad diesel engines that we regulate under 40 CFR part 89.

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(d) Paragraph (a)(1) of this section identifies the parts of the CFR that define emission standards and other requirements for particular types of engines and vehicles. This part 1068 refers to each of these other parts generically as the “standard-setting part.” For example, 40 CFR part 1051 is always the standard-setting part for snowmobiles. Follow the provisions of the standard-setting part if they are different than any of the provisions in this part.

(e)(1) The provisions of §§ 1068.30, 1068.310, and 1068.320 apply for stationary spark-ignition engines built on or after January 1, 2004, and for stationary compression-ignition engines built on or after January 1, 2006.

(2) The provisions of §§ 1068.30 and 1068.235 apply for the types of engines listed in paragraph (a) of this section beginning January 1, 2004, where they are used solely for competition.

§ 1068.5 How must manufacturers apply good engineering judgment?

(a) You must use good engineering judgment for decisions related to any requirements under this chapter. This includes your applications for certification, any testing you do to show that your production-line or in-use engines comply with requirements that apply to them, and how you select, categorize, determine, and apply these requirements.

(b) If we send you a written request, you must give us a written description of the engineering judgment in question. Respond within 15 working days of receiving our request unless we allow more time.

(c) We may reject your decision if it is not based on good engineering judgment or is otherwise inconsistent with the requirements that apply, based on the following provisions:

(1) We may suspend, revoke, or void a certificate of conformity if we deter-

mine you deliberately used incorrect information or overlooked important information, that you did not decide in good faith, or that your decision was not rational.

(2) If we believe a different decision would better reflect good engineering judgment, but none of the provisions of paragraph (c)(1) of this section apply, we will tell you of our concern (and its basis). You will have 30 days to respond to our concerns, or more time if we agree that you need it to generate more information. After considering your information, we will give you a final ruling. If we conclude that you did not use good engineering judgment, we may reject your decision and apply the new ruling to similar situations as soon as possible.

(d) We will tell you in writing of the conclusions we reach under paragraph (c) of this section and explain our reasons for them.

(e) If you disagree with our conclusions, you may file a request for a hearing with the Designated Officer as described in subpart F of this part. In your request, specify your objections, include data or supporting analysis, and get your authorized representative's signature. If we agree that your request raises a substantial factual issue, we will hold the hearing according to subpart F of this part.

EFFECTIVE DATE NOTE: At 69 FR 39263, June 29, 2004, § was amended by revising paragraphs (a) and (e), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 1068.5 How must manufacturers apply good engineering judgment?

(a) You must use good engineering judgment for decisions related to any requirements under this chapter. This includes your applications for certification, any testing you do to show that your certification, production-line, and in-use engines comply with requirements that apply to them, and how you select, categorize, determine, and apply these requirements.

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(e) If you disagree with our conclusions, you may file a request for a hearing with the Designated Officer as described in subpart G of this part. In your request, specify your objections, include data or supporting analysis, and get your authorized representative's signature. If we agree that your request raises